

### REMARKS

Claims 1-25 are pending in the present application. By this amendment, claim 25 is added. Applicants respectfully request reconsideration of the present claims in view of the following remarks.

#### I. Prior Art Rejections

##### Claim Rejections Under 35 U.S.C. §102(b)

Claims 1, 6, 10-13, and 16-18 are rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 5,661,516 to Carles (hereinafter "Carles"). This rejection is respectfully traversed.

Claim 1 recites that a method for utilizing information relating to a subscriber to identify the subscriber as a desirable subscriber comprises receiving content-access information associated with a subscriber and a subscriber attribute, merging the content-access information and the subscriber attribute to create a subscriber information data store, and analyzing the data store to determine the subscriber's desirability in relation to a provider. Similarly, claim 16 recites that a computer-readable medium on which is encoded computer program code for utilizing information relating to a subscriber to identify the subscriber as desirable comprises computer program code for receiving content-access information associated with a subscriber and computer program code for receiving a subscriber attribute, computer program code for merging the content-access information and the subscriber attribute to create a subscriber information data store, and computer program code for analyzing the subscriber information data store. Likewise, claim 17 recites that a system for utilizing information relating to a subscriber to identify the subscriber as a desirable subscriber comprises a content-access information database comprising content-access information for a subscriber, a subscriber attribute database comprising an attribute of the subscriber, a subscriber information database, a merge processor electronically connected to the content-access information database and the subscriber attribute database operative to merge information from the content-access information and subscriber attribute databases to create data in the subscriber information

database, and a data analyzer electronically connected to the subscriber information database.

Carles does not disclose a method or a computer-readable medium on which is encoded computer program code for utilizing information relating to a subscriber to identify the subscriber as a desirable subscriber comprising receiving content-access information associated with a subscriber and merging the content-access information and a subscriber attribute to create a subscriber information data store. On the contrary, Carles discloses a method for selectively distributing commercial messages to a plurality of subscriber terminals by accessing information embedded in the commercial messages, information stored in a household database related to individual subscriber households, and information contained in a commercial routing database about required routing of commercial messages to determine which commercials should go to which households. Thus, Carles fails to disclose receiving content-access information associated with a subscriber, which comprises information about when, what, and how long a subscriber views, and merging this viewing information of the subscriber with an attribute of the subscriber to create a subscriber information data store.

Furthermore, Carles does not disclose a system for utilizing information related to a subscriber to identify the subscriber as desirable comprising a content-access information database containing content-access information for a subscriber, a subscriber information database, and a merge processor electronically connected to the content-access information database, a subscriber attribute database, and the subscriber information database operative to merge information from each of the databases. Carles discloses a library of commercial messages; a household database containing information about individual subscriber households such as gender, occupation, and number of automobiles; and a commercial routing database containing information about required routing of commercial messages. As previously mentioned, Carles fails to disclose receiving content-access information associated with a subscriber and merging the content-access information and a subscriber attribute to create a subscriber information data store. Thus, Carles fails to disclose a system for utilizing subscriber information to identify the subscriber as desirable comprising a content-access information database, a subscriber information database, and a merge processor electronically connected to the

content-access information database, a subscriber attribute database, and the subscriber information database operative to merge information from each of the databases.

For at least these reasons, claims 1, 16, and 17 are allowable over Carles. Since claims 6 and 10-13 depend from claim 1 and claim 18 depends from claim 17 and recite additional features, Applicants respectfully submit that Carles does not anticipate Applicants' claimed invention as embodied in claims 6, 10-13, and 18 for at least these reasons. Accordingly, withdrawal of these rejections is respectfully requested.

#### Claim Rejections Under 35 U.S.C. §103(a)

Claims 2-5, 7-9, 14, 15, and 19-24 are rejected under 35 U.S.C. §103(a) as being unpatentable over Carles. This rejection is respectfully traversed.

For at least the reasons stated above, claims 1, 16, and 17 are allowable over Carles. Since claims 2-5, 7-9, 14, and 15 depend from claim 1 and claims 19-24 depend from claim 17 and recite additional features, Applicants respectfully submit that Carles does not make obvious Applicants' claimed invention as embodied in claims 2-5, 7-9, 14, 15, and 19-24.

#### II. New Claim 25:

New claim 25 recites further features of Applicants' claimed invention. Support for new claim 25 may be found at page 7, lines 1-3; page 9, line 3 to page 12, line 8; and page 13, line 5 to page 14, line 4.

Applicants respectfully submit that new claim 25 is patentable over the art of record for at least the reasons given above.

Kindly charge Deposit Account No. 13-2725 in the amount of \$102.00 representing the cost for the addition of new independent claim 25.

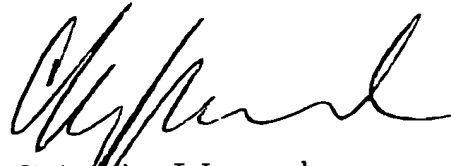
#### CONCLUSION

For at least these reasons, Applicants assert that the pending claims 1-25 are in condition for allowance. The Applicants further assert that this response addresses each

and every point of the Office Action, and respectfully requests that the Examiner pass this application with claims 1-25 to allowance. Should the Examiner have any questions, please contact Applicants' undersigned attorney at 404.954.5037.



Respectfully submitted,  
MERCHANT & GOULD, LLC



Christopher J. Leonard  
Reg. No. 41,940

Merchant & Gould  
3200 IDS Center  
80 South 80<sup>th</sup> Street  
Minneapolis, Minnesota 55402-2215  
Telephone: 404.954.5100

Version with Markings for Specification Amendments

Please replace the paragraph from page 9, line 19 to page 10, line 2 with the following replacement paragraph:

Figure 1 is a block diagram illustrating an exemplary environment for an embodiment of the present invention. In the embodiment shown, a cable operator's head-end facility 102 includes a merge processor 104, which is in communication with a plurality of databases. These databases include a local-content database 106, a subscriber-action database 112, and a national-content database 114. The merge processor 104 is programmed to receive and merge data from the [two] three databases 112, 114, and 106.